

06.02.2024

Serial no. 88

Anticipatory Bail

[Partly Allowed]

Dd

CRM (A) 5548 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No. **366** of **2023** dated **12.07.2023** under Sections **341/325/326/307/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 2239 of 2023)

-And-

In the matter of : **Motiur Rahaman & Ors.**

... .. **Petitioners**

Ms. Minoti Gomes,

Md. Golam Nure Imorhi,, Advocates

... .. For the Petitioners

Mr. Mainak Gupta, Advocate

... ..For the State

CRM (A) 5548 of 2023 is disposed of as infructuous so far as the petitioner nos. 3, 8 and 11 are concerned.

Fifteen persons are before us. Apparently, an incident of assault took place where one injured suffered fracture of the right forearm.

Three other persons also sustained injuries. Injuries were not classified as grievous hurt.

Police filed charge sheet.

Considering the materials in the case diary and the involvement of the petitioner as transpiring from the materials in the case diary, we grant anticipatory bail to petitioner no. 1 (Motiur Rahaman); petitioner no. 2 (Jahiruddin Mondal @ Jahiruddin Sk); petitioner no.4 (Riyaj Sk); petitioner no. 5 (Rafikul Islam @ Rafi Sk); petitioner no. 6. (Bablu Mallik @ Mallick), petitioner no. 7 (Abul Mallik @ Mallick) petitioner no. 9 (Md. Pearul Islam @ Pearul Sk) petitioner no. 10 (Jahangir Alam @ Sk) petitioner no. 12 (Mainul Islam) petitioner no. 13

(Maherul Islam Mondal @ Boltu) petitioner no. 14 (Idrish Ali) and petitioner no. 15 (Roshan Mallick @ Roman Mollick).

Accordingly, we direct that in the event of arrest the petitioner no. 1 (Motiur Rahaman); petitioner no. 2 (Johiruddin Mondal @ Johiruddin Sk); petitioner no.4 (Riyaj Sk); petitioner no. 5 (Rafikul Islam @ Rafi Sk); petitioner no. 6. (Bablu Mallik @ Mallick), petitioner no. 7 (Abul Mallik @ Mallick) petitioner no. 9 (Md. Pearul Islam @ Pearul Sk) petitioner no. 10 (Jahangir Alam @ Sk) petitioner no. 12 (Mainul Islam) petitioner no. 13 (Maherul Islam Mondal @ Boltu) petitioner no. 14 (Idrish Ali) and petitioner no. 15 (Roshan Mallick @ Roman Mollick) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the such petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the such petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 1 (Motiur Rahaman); petitioner no. 2 (Johiruddin Mondal @ Johiruddin Sk); petitioner no.4 (Riyaj Sk); petitioner no. 5 (Rafikul Islam @ Rafi Sk); petitioner no. 6. (Bablu Mallik @ Mallick), petitioner no. 7 (Abul Mallik @ Mallick) petitioner no. 9 (Md. Pearul Islam @ Pearul Sk) petitioner no. 10 (Jahangir Alam @ Sk) petitioner no. 12 (Mainul Islam) petitioner no. 13 (Maherul Islam Mondal @ Boltu) petitioner no. 14 (Idrish Ali) and petitioner no. 15 (Roshan Mallick @ Roman Mollick) is **allowed**.

CRM (A) 5548 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)